

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ASPEN SPECIALTY INSURANCE
COMPANY,**

Plaintiff,

v.

**HOSPITALITY SUPPORTIVE
SYSTEMS, LLC,
EDWARD E. SNOW,
THE CARMAN CORPORATION,
SELECTIVE RISK MANAGEMENT,
LLC, SELECTIVE LAW GROUP, LLC,
TRIGEN INSURANCE SOLUTIONS,
INC.,
TRIGEN HOSPITALITY GROUP, INC.,
PATRIOT UNDERWRITERS, INC.,
PATRIOT NATIONAL, INC.,
ABC CORPORATIONS 1-25,
CHICKIE’S AND PETE’S, INC.,
4010, INC.,
PACKER CAFÉ, INC., trading as
“CHICKIE’S & PETE’S,”
4010, LLC
POQUESSING MANAGEMENT, LLC
POQUESSING PROFESSIONAL
BUILDING, LLC,
CPC INTERNATIONAL, LLC, trading as
“PHILADELPHIA’S FAMOUS C&P,”
WRIGHT FOOD SERVICES, LLC,
CPC BUCKS, LLC,
AUDUBON CPC, LLC,
WARRINGTON CPC, LLC
DREXEL HILL CPC, LLC,
VENUE FOOD SERVICES, LLC
CRABCO PA GP LLC,
130 CRABCO REALTY NJ, LLC,
130 CRABCO NJ, LLC, trading as
“CHICKIE’S AND PETE’S,”
EHT CRABCO NJ, LLC, trading as
“CHICKIE’S AND PETE’S,”
WW-CPC, LLC,
OC-CPC, LLC,
AC-CPC, LLC**

CIVIL ACTION

NO. 16-1133

**CRABCO ENTERPRISES, LLC
CPC PROPERTIES, INC.,
CRABCO ENTERPRISES PA LP,
PALMER SOCIAL CLUB, INC., and
RAVEL HOTEL, LLC, trading as
“PENTHOUSE 808”**

Defendants.

**HOSPITALITY SUPPORTIVE
SYSTEMS, LLC,**

Plaintiff,

v.

**ASPEN SPECIALTY INSURANCE
COMPANY,**

Defendant.

**HOSPITALITY SUPPORTIVE
SYSTEMS, LLC and EDWARD SNOW
Plaintiffs,**

v.

**AIG SPECIALTY INSURANCE
COMPANY and HUB INTERNATIONAL
MIDWEST LIMITED,**

Defendants.

CIVIL ACTION

NO. 18-3777

**BALIS FAMILY RESTAURANT CORP.,
and
ADELPHIA DEPTFORD, INC.,
collectively trading as “ADELPHIA
RESTAURANT,”**

Plaintiffs,

v.

**HOSPITALITY SUPPORTIVE
SYSTEMS, LLC,
EDWARD SNOW,
JOHN W. CONNELLY, JR.,
SELECTIVE RISK MANAGEMENT,
LLC, SELECTIVE LAW GROUP, LLC,
CHARLES M. O’DONNELL,
ANTHONY DiENNO,
ASPEN SPECIALTY INSURANCE**

CIVIL ACTION

NO. 19-189

**COMPANY,
AMTRUST INTERNATIONAL
UNDERWRITERS, LTD.,
TORUS NATIONAL INSURANCE
COMPANY, trading as “STARSTONE
NATIONAL INSURANCE COMPANY,”
COLONY INSURANCE COMPANY,
AMERICAN GUARANTEE AND
LIABILITY COMPANY,
STAR INDEMNITY AND LIABILITY,
JOHN/JANE DOE(S) 1-10, and
ABC ENTITIES 1-10,
Defendants.**

**CONSOLIDATED SCHEDULING ORDER AND ORDER GRANTING ASPEN
SPECIALTY INSURANCE COMPANY’S MOTION FOR LEAVE TO FILE SECOND
AMENDED COMPLAINT (DOCUMENT NO. 137)**

AND NOW, this 10th day of December, 2019, upon consideration of the proposed case management submissions of the parties as directed by Order dated November 4, 2019,¹ **IT IS ORDERED** that the above captioned cases shall proceed on the following schedule:

I. Discovery and Related Issues – All cases:

1. All pending discovery motions and all future discovery disputes shall be **REFERRED** to Magistrate Judge Thomas J. Rueter in accordance with 28 U.S.C. § 636 (b)(1)(a), Federal Rule of Civil Procedure 72(a) and Local Rule of Civil Procedure 72.1. All counsel shall meet and confer in attempt to resolve all outstanding discovery disputes, and any remaining disputes shall be heard by Judge Rueter on **January 27, 2020 at 10:00 a.m.** in Courtroom 3C, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania. No later than **January 20, 2020**, the parties shall submit a joint letter to Magistrate Judge Rueter outlining the discovery disputes to be addressed at the hearing;

¹ Proposal of HSS, Snow, Carman Corporation, Selective Law Group, LLC, Selective Risk Management LLC, O’Donnell, Connelly and DiIenno for Streamlining Cases (Document No. 143, filed November 22, 2019), and letter from counsel for Aspen Specialty Insurance Company and related entities dated November 22, 2019 (Document No. 144).

2. All parties shall execute and enter into a Confidentiality and ESI Protocols Stipulations by **January 10, 2020**;

3. All parties shall enter into a Stipulation and Order for Protection of Privilege pursuant to Federal Rule of Evidence 502 by **January 10, 2020**.

II. Hospitality Supportive Systems, LLC, and Edward Snow v. AIG Specialty Insurance Company and HUB International Midwest Limited, et al., Civil Action No. 18-3777

4. With respect to Civil Action No. 18-3777, the parties shall proceed as follows:

- (a) Defendant shall answer, plead or otherwise move in response to the Second Amended Complaint by **January 3, 2020**;
- (b) Plaintiffs shall respond to Defendants' Motion to Dismiss, if any, by **February 3, 2020**;
- (c) Discovery shall be stayed pending the resolution of any motions to dismiss;
- (d) In the event the motions to dismiss are denied by the court, the parties shall contact the Chambers of Judge Rueter to schedule a settlement conference which will be scheduled as soon as possible by Judge Rueter;
- (e) Should the cases not settle, the parties shall have ninety (90) days from the date of the last settlement conference before Magistrate Judge Rueter to complete discovery;
- (f) Dispositive motions, if any, shall be filed within thirty (30) days of the close of discovery. Responses to dispositive motions shall be filed within thirty (30) days of service of the motions. Replies may be filed only with leave of Court.

- III. **Aspen Specialty Insurance Company V. Hospitality Supportive Systems, LLC, Edward E. Snow, The Carman Corporation, Selective Risk Management, LLC, Selective Law Group, LLC, Trigen Insurance Solutions, Inc., Trigen Hospitality Group, Inc., Patriot Underwriters, Inc., Patriot National, Inc., ABC Corporations 1-25, Chickie's and Pete's, Inc., 4010, Inc., Packer Café, Inc., 4010, LLC, Poquessing Management, LLC, Poquessing Professional Building, LLC, CPC International, LLC, Wright Food Services, LLC, CPC Bucks, LLC, Audubon CPC, LLC, Warrington CPC, LLC, Drexel Hill CPC, LLC, Venue Food Services, LLC, Crabco PA GP LLC, 130 Crabco Realty NJ, LLC, 130 Crabco NJ, LLC, EHT Crabco NJ, LLC, WW-CPC, LLC, OC-CPC, LLC, AC-CPC, LLC, Crabco Enterprises, LLC, CPC Properties, Inc., Crabco Enterprises PA LP, Palmer Social Club, Inc., and Ravel Hotel, LLC; and Hospitality Supportive Systems, LLC v. Aspen Insurance Company - Civil Action No. 16-01133; and**

Balis Family Restaurant Corp., and Adelphia Deptford, Inc., collectively trading as "Adelphia Restaurant," v. Hospitality Supportive Systems, LLC, Edward Snow, John W. Connelly, Jr., Selective Risk Management, LLC, Selective Law Group, LLC, Charles M. O'Donnell, Anthony DiLenno, Aspen Specialty Insurance Company, Amtrust International Underwriters, Ltd., Torus National Insurance Company, Colony Insurance Company, American Guarantee and Liability Company, Star Indemnity and Liability, John/Jane Doe(s) 1-10, and ABC Entities 1-10 - Civil Action #19-189

5. With respect to Civil Action Nos. 16-1133 and 19-189 the parties shall proceed as follows:

- (a) Aspen Specialty Insurance Company's Motion for Leave to File Second Amended Complaint (Document No. 137) is **GRANTED WITHOUT PREJUDICE** to the right of all newly joined parties and others newly affected by that Complaint to timely object. The Clerk of Court shall file the Second Amended Complaint (Document No. 137-18);
- (b) All discovery shall be completed by **June 26, 2020**;
- (c) A settlement conference is hereby scheduled before Judge Rueter on **May 12, 2020 at 10:00 a.m.**, in Courtroom 3C, United States Courthouse, 601 Market Street, Philadelphia, PA. Should the parties desire a settlement

conference prior to this date, they shall contact Judge Rueter's Chambers.

The court may order that a settlement conference be scheduled at an earlier date;

- (d) All plaintiffs shall serve expert reports on or before **July 24, 2020**.
Defendants shall serve rebuttal reports on or before **August 21, 2020**;
- (e) Discovery depositions of expert witnesses shall be completed by
September 18, 2020;
- (f) Dispositive motions, if any, shall be filed and served on or before **October 16, 2020**. Responses to dispositive motions shall be filed and served on or before **November 13, 2020**. Replies may be filed only with leave of Court.

IT IS FURTHER ORDERED that a conference for the purpose of scheduling further proceedings will be convened by telephone, if necessary, after the Court rules on all dispositive motions.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.